

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1-11 and 15-17 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,768,382 to Schneier et al. (“*Schneier*”), in view of U.S. Patent No. 5,671,412 to Christiano (“*Christiano*”), and further in view of U.S. Patent No. 5,629,980 to Stefik et al. (“*Stefik*”); rejected claims 18-22 under 35 U.S.C. § 103(a) as unpatentable over *Schneier*, in view of *Christiano*, in view of *Stefik*, and further in view of U.S. Patent No. 5,590,288 to Castor et al. (“*Castor*”); and rejected claim 57 under 35 U.S.C. § 103(a) as unpatentable over *Christiano* in view of *Stefik*.

Applicants have amended claims 1, 17, and 57. Claims 1-11, 15-22, and 57 remain pending and under current examination.

Applicants respectfully traverse the rejection of claims 1-11 and 15-17 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Schneier*, *Christiano*, and *Stefik*, even if combined as suggested by the Examiner, does not teach or suggest each and every element of claims 1-11 and 15-17. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites a data processing apparatus including, for example:

an arithmetic processing circuit . . .

. . .

wherein said arithmetic processing circuit determines at least one of a purchase mode and a usage mode of the content data based on a handling policy indicated by the usage control policy data, and creates log data which includes a unique identifier of the content data, discount information, and tracing information and indicates a result of the

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

determined mode; and the arithmetic processing circuit creates usage control status data in accordance with the determined purchase mode, and controls the use of the content data based on the usage control status data

...

(emphasis added). The Examiner states, “Schneier does not expressly disclose determining a mode based on a handling policy and creating log data, nor does Schneier disclose creating usage control status data or controlling the use of the content data” (Final Office Action at page 5). The Examiner then relies on *Christiano*.

*Christiano* discloses a license server that “provides package and program licenses and allows several license modifiers to be stored in license records . . .” (col. 3, lines 14-16). The Examiner cites col. 18, lines 53-61 to allegedly disclose the claimed “log data” (Final Office Action at page 5).

This passage of *Christiano* discloses, “[i]f the user has checked out an overdraft license or a failsafe license, then preferably this information is logged by the license server in a file or database. The license provider can thus later refer to the log to determine how many overdraft and fail safe licenses were granted to clients.” *Christiano* discloses logging information in a file or database. This data may also include names of the user, host, terminal, and product. However, *Christiano* does not disclose “log data” that includes “a unique identifier of the content data, discount information, and tracing information.”

In addition, claim 1 requires “log data” that indicates “a result of the determined mode” which corresponds to “at least one of a purchase mode and a usage mode of the content data based on a handling policy indicated by the usage control policy data.” Logging information including an indication of a user checking out an overdraft or

Regarding the rejection of claim 57, the Examiner states that *Christiano* "does not explicitly disclose that the purchase mode is determined from one or more purchase mode options, each having a different level of restriction imposed on a playback operation" (Final Office Action at page 13). The Examiner again cites col. 17, line 63 - col. 26, line 35 of *Stefik*.

As previously stated, neither *Christiano* nor *Stefik* teach or suggest "log data which includes a unique identifier of the content data, discount information, and tracing information and indicates a result of the determined mode," as recited in claim 57. Accordingly, *Christiano*, and *Stefik* fail to establish a *prima facie* case of obviousness with respect to claim 57, at least because the references fail to teach each and every element of the claim. Claim 57 is therefore allowable for at least the reasons presented above.

Although the Examiner cites *Castor* in the rejection of dependent claims 18-22, Applicants respectfully assert that *Castor* fails to cure the deficiencies of *Schneier*, *Christiano*, and *Stefik* discussed above. Therefore, claims 18-22 are also allowable at least due to their dependence from claim 17.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-11, 15-22, and 57 in condition for allowance. This Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

failsafe license, a user name, a host name, a terminal name, and a product name does not constitute data that indicates “a result of the determined mode” which corresponds to “at least one of a purchase mode and a usage mode of the content data based on a handling policy indicated by the usage control policy data.” Therefore, *Christiano* does not teach or suggest “log data which includes a unique identifier of the content data, discount information, and tracing information and indicates a result of the determined mode,” as recited in claim 1.

The Examiner also states, “neither *Schneier* nor *Christiano* explicitly discloses that the purchase mode is determined from one or more purchase mode options, each having a different level of restriction imposed on a playback operation” (Final Office Action at page 6). The Examiner then cites col. 17, line 63 - col. 26, line 35 of *Stefik*.

Even assuming that this passage of *Stefik* discloses the claimed “purchase mode options,” which Applicants do not concede, *Stefik* does not teach or suggest the claimed “log data.” Therefore, *Stefik* does not teach or suggest “log data which includes a unique identifier of the content data, discount information, and tracing information and indicates a result of the determined mode,” as recited in claim 1.

Accordingly, *Schneier*, *Christiano*, and *Stefik* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim. Claim 1 is therefore allowable for at least the reasons presented above. Claims 2-11 and 15-16 depend from claim 1 and are thus also allowable for at least the same reasons as claim 1.

Independent claim 17, though of different scope from claim 1, is allowable for at least the same reasons as claim 1.

Customer No. 22,852  
Attorney Docket No.: 09812.0497-00  
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Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the application and withdrawal of the rejections. Pending claims 1-11, 15-22, and 57 are in condition for allowance, and Applicants request a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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